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8 UNITED STATES DISTRICT COURT
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10 CENTRAL DISTRICT OF CALIFORNIA
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13	DARRYL LAMAR TOLLIVER SR.,	}	No. LA CV 15-09562-VBF-AS
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15	Petitioner,		ORDER
16			Denying Petitioner an Evidentiary Hearing;
17			Overruling Petitioner's Objections;
18	v.	}	Adopting the Report & Recommendation;
19			Denying the Habeas Corpus Petition;
20			
21	KELLY SANTORO (Warden),	}	Dismissing the Action With Prejudice;
22			Directing Entry of Separate Judgment;
23	Respondent.		Denying a Certificate of Appealability;
24		}	Terminating & Closing the Case (JS-6)
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30 Pursuant to 28 U.S.C. § 636(b)(1), the Court has reviewed the Petition for Writ of
31 Habeas Corpus by a Person in State Custody Pursuant to 28 U.S.C. section 2254 ("petition")
32 (CM/ECF Document ("Doc") 1); the respondent warden's answer and answer memorandum
33 (Doc 8 and 8-1) and accompanying exhibits (Docs 8-2 through 8-9); materials pertaining to
34 petitioner's August 12, 2013 Chuckawalla Valley State Prison disciplinary conviction for
35 possession of a controlled substance for sale and distribution; petitioner's traverse filed
36 March 17, 2016 (Doc 16); respondent's April 15, 2016 response (Doc 19); petitioner's April
37 21, 2016 "Notice of Clarification to Traverse" (Doc 20); the Report and Recommendation
38 ("R&R") issued on May 20, 2016 by United States Magistrate Judge Sagar pursuant to Fed.

1 R. Civ. P. 72(b)(1) and 28 U.S.C. § 636(b)(1)(B) (Doc 22); petitioner's timely¹ June 16, 2016
 2 objections to the R&R (Doc 25) and respondent's response thereto (Doc 26); and the
 3 applicable law.

4 "As required by Fed. R. Civ. P. 72(b)(3), the Court has engaged in de novo review of
 5 the portions of the R&R to which petitioner has specifically objected and finds no defect of
 6 law, fact, or logic in the . . . R&R." *Rael v. Foulk*, No. LA CV 14-02987 Doc. 47, 2015 WL
 7 4111295, *1 (C.D. Cal. July 7, 2015) (Fairbank, J.), *COA denied*, No. LA CV 14-02987 Doc.
 8 53, Appeal No. 15-56205 (9th Cir. Feb. 18, 2016). Accordingly, the Court will accept and
 9 implement the Magistrate Judge's findings and recommendations.

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11 ORDER

12 Petitioner's request for an evidentiary hearing is **DENIED**.

13 Petitioner's objection [**Doc #25**] is **OVERRULED**.

14 The Report and Recommendation [**Doc #22**] is **ADOPTED**.

15 The petition for a writ of habeas corpus [**Doc #1**] is **DENIED**.

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 17 The Court will rule on a certificate of appealability by separate order.

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 19 Final judgment will be entered in favor of respondent consistent with this order. "As
 20 required by Fed. R. Civ. P. 58(a), the Court will enter judgment by separate document." *Toy*
 21 *v. Soto*, 2015 WL 2168744, *1 (C.D. Cal. May 5, 2015) (citing *Jayne v. Sherman*, 706 F.3d
 22 994, 1009 (9th Cir. 2013)) (n.1 omitted), *appeal filed*, No. 15-55866 (9th Cir. June 5, 2015).²

¹

By Order issued June 8, 2016, the Magistrate Judge granted petitioner's motion to extend his objection deadline to June 23, 2016. *See* Docs 23 and 24.

²

Accord Buck v. American Quarter Horse Ass'n, 602 F. App'x 709, 710 n.1 (10th Cir. 2015) ("[W]e note that the district court did not prepare a separate document entering judgment in

1 This action is **DISMISSED with prejudice.**

2 The case **SHALL BE TERMINATED** and closed (**JS-6**).

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5 Dated: Friday, July 8, 2016
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Valerie Baker Fairbank
Senior United States District Judge

accordance with Fed. R. Civ. P. 58(a).”).

““To comply with Rule 58, an order must (1) be self-contained and separate from the opinion; (2) note the relief granted; and (3) omit or substantially omit the district court’s reasons for disposing of the claims.”” *Elkins v. Foulkes*, 2014 WL 2615732, *14 n.4 (C.D. Cal. June 12, 2014) (quoting *Daley v. USAO*, 538 F. App’x 142, 143 (3d Cir. 2013) (per curiam) (citation omitted)).

““A combined document denominated an Order and Judgment, containing factual background, legal reasoning, as well as a judgment, generally will not satisfy the rule’s prescription.”” *Fisher v. Ventura Cty. Sheriff’s Narcotics Agency*, 2014 WL 2772705, *7 n.9 (C.D. Cal. June 18, 2014) (quoting *In re Taumoepeau*, 523 F.3d 1213, 1217 (10th Cir. 2008)) (internal quote marks omitted).